



NEW YORK STATE  
COMMISSION ON JUDICIAL CONDUCT

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## NEWS RELEASE

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### **Judicial Conduct Commission Releases Annual Report of Activity in 2019**

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Special Note: During the coronavirus pandemic, the Commission on Judicial Conduct has dispersed its staff, all of whom are now working from home or other remote locations. While we continue to do our best, there will unavoidably be delays in acknowledging and responding to communications. We appreciate your patience and understanding in this extraordinary time for our state and nation.

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In the Annual Report of its activities in 2019, released today, the New York State Commission on Judicial Conduct reported the following:

- 1,944 new complaints were received and processed.
- 505 preliminary inquiries were conducted.<sup>1</sup>
- 330 full-fledged investigations were undertaken: 149 new ones and 181 carried forward from 2018.
- 1 judge was removed from office for egregious misconduct.
- 5 judges resigned and publicly agreed never to return to judicial office.

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<sup>1</sup> Defined in the Commission rules as the preliminary analysis, clarification and fact-finding activity intended to aid the Commission in determining whether or not to investigate a complaint.

- 4 other judges resigned while complaints were pending, where it had not been determined permanent departure from office was warranted or appropriate.<sup>2</sup>
- 7 judges were publicly censured or admonished.
- 26 judges were issued confidential cautionary letters.

The Commission is the New York State government agency responsible for investigating complaints of misconduct against judges of the state unified court system and, where appropriate, disciplining such judges for ethics violations.

The Annual Report is available online at [www.cjc.ny.gov](http://www.cjc.ny.gov).

### **1975-2019 Statistics**<sup>3</sup>

Since 1975, the Commission or its temporary predecessors have received and processed 60,467 complaints and conducted 9,310 investigations. Through 2019, 871 judges were disciplined for judicial misconduct, including 173 judges who were removed from office. In addition, 1,660 judges have been confidentially cautioned, and 596 judges resigned while under investigation or formal charges.

### **Commentary**

In addition to summaries of the year's public disciplines, confidential cautions and statistics, the 2020 Annual Report comments on matters, trends and developments that the Commission has observed through its work. The topics include the following:

- **Judicial Responses to the New Bail Law.** The Commission cites precedent in noting that a judge who in good faith interprets the law need not fear disciplinary consequences for what may turn out to be legal error that is reversed on appeal. However, a judge who purposefully fails to abide by the law, *e.g.* to make a political point or because s/he personally disagrees with the law, invites discipline.
- **Alcohol-Related Conduct and Driving Offenses.** The Commission notes that judges who are convicted of any alcohol-related driving offense will at least be publicly admonished, and that aggravating circumstances – such as

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<sup>2</sup> The Commission notifies such judges that proceedings would resume if they return to the bench.

<sup>3</sup> The Commission was constituted in its present form in April 1978, as a result of an amendment to the state Constitution. Its forerunners, including a legislatively-created temporary commission, commenced operating in January 1975, and when they expired their cases were carried over to the current Commission.

invoking judicial office to avoid arrest, or a repeat offense – would elevate the sanction to public censure or removal from office.

- Unavailability of Foreign Language Interpreters in Some City, Town and Village Courts. The Commission discusses issues that arise when local courts are without the resources to provide interpreter services for litigants and witnesses who need them. It recommends that the Legislature and the Office of Court Administration work together to fashion a solution.
- Effects of a Judge’s Failure to Cooperate with a Commission Inquiry or Proceeding. The Commission cites long established precedents for the proposition that a judge’s cooperation with the Commission is mandatory, not optional, and that failure to cooperate can result in removal from office.
- Misuse of Parking Placards. The Commission reiterates Chief Administrative Judge Lawrence Marks’s May 2019 reminder to all judges that dashboard placards issued by the court system are for official use only, and that using one to avoid paying for personal parking, or to display when stopped by an officer for a suspected motor vehicle infraction, may result in discipline.

### **The Commission’s Budget**

The Commission’s current budget is \$6,026,000. Last year, after a decade in which the Commission’s workload increased by 25% while its staffing decreased by 25% due to underfunding, the Legislature took an important first step to reverse the trend. It increased the Commission’s appropriation by \$330,000, allowing the Commission to add four staff, and to start phasing back in the use of professional stenographers to transcribe more than 12,000 pages of testimony generated every year. For the fiscal year beginning April 1, 2020, the Commission asked for an additional \$330,000, to complete the recovery.

### **Statement by Commission Administrator**

Commission Administrator Robert H. Tembeckjian made the following statement.

“Faith in a judiciary that is both independent and accountable requires that the important work of ethics education and enforcement continue, even in adverse times such as the present coronavirus pandemic. The Commission on Judicial Conduct is endeavoring to meet its responsibilities while “socially distancing” by working from home, as most New Yorkers are. Since the crisis began, we have processed new complaints, concluded several judicial disciplinary matters, dismissed numerous complaints against judges that were not substantiated, worked on pending investigations and participated by video in judicial ethics programs.

We now release our 2020 Annual Report, summarizing our 2019 work and offering commentary that might guide the judiciary in the challenging days ahead.”

**Office Addresses**

The Commission’s offices are located at the following addresses:

61 Broadway Suite 1200 New York, NY 10006	Corning Tower, Suite 2301 Empire State Plaza Albany, NY 12223	400 Andrews Street Suite 700 Rochester, NY 14604
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**Commission Members in 2018**

There are 11 members of the Commission on Judicial Conduct. Members, who are appointed by the Governor, Chief Judge and legislative leaders, serve 4-year terms and are eligible for re-appointment.

The following individuals served on the Commission in 2019:

Joseph W. Belluck, Esq., Chair  
Paul B. Harding, Esq., Vice Chair  
Jodie Corngold  
Hon. John A. Falk  
Taa Grays, Esq.  
Hon. Leslie G. Leach  
Hon. Angela M. Mazzarelli  
Hon. Robert J. Miller  
Marvin Ray Raskin, Esq.  
Richard A. Stoloff, Esq. (Until 3-31-19)  
Akosua Garcia Yeboah